

YOUNG OFFENDERS ACT

**THE SECOND YEAR
April 1985 — May 1986**

Manitoba
Community
Services





Message from the Minister of Community Services

It is my pleasure to present this report which reviews the second year of operation of the Young Offenders Act in Manitoba. This report will help to keep the community fully informed of developments in the youth correctional system under the Act.

In Year II Manitoba has again made great strides in implementing the Young Offenders Act.

I offer my congratulations to all Corrections staff for their ongoing care and commitment, and for helping to bring about positive changes in our youth justice system.



Muriel Smith

Muriel Smith
Minister of Community Services

Manitoba



Message from the Manitoba Director, YOA

The **Young Offenders Act** has had major impact on the Corrections Division of Manitoba Community Services:

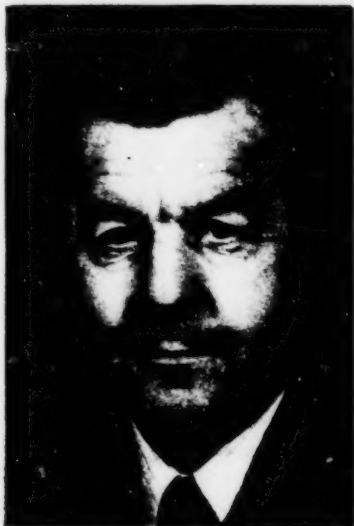
- It has caused us to review much of our past philosophy and practices in dealing with young offenders.
- In some cases, it has caused us to ask fundamental questions, leading us to develop new alternatives for dealing with offenders.
- It has resulted in a significant increase in workloads for staff because of the heavy emphasis the new act places on legal procedure.

Nonetheless, the basic philosophy of the YOA, which emphasizes responsibility and accountability, promises to take us in a direction where young offenders not only receive justice, but perceive that justice is being done. Manitobans have shown a high degree of commitment to help with this process. This is reflected in the partnership that has developed between police, corrections staff, the Attorney General's Department, the judicial system and the community in implementing the new act.

As we continue, I am confident we will be able to refine our policies and procedures to further reduce delays and increase opportunities to rehabilitate young offenders.

In spite of some shortcomings, those working in the system can take pride in the fact that their work in implementing the YOA has led to major accomplishments on behalf of young offenders and the communities in which they live.

With further streamlining of the legislation, and as we gain experience, the act will continue to have a positive impact on our corrections system.



Dr. John Bock
Assistant Deputy Minister, Corrections
Manitoba Director, YOA

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The Impact of YOA on Programs

Alternative Measures

The intent of the YOA is to use alternatives to court whenever possible. In the declaration of principles, Section 3(1)(d) and (f) state:

"...where it is not consistent with the protection of society, taking no measures or taking measures other than judicial proceedings under this Act should be considered for dealing with young persons who have committed offences.

"...in the application of this Act, the rights and freedoms of young persons include a right to the least possible interference with freedom that is consistent with the protection of society, having regard to the needs of young persons and the interests of their families."

Statistics for Manitoba show alternatives to court are being used extensively. However, in the first year of implementation of the YOA, the use of alternative measures dropped in comparison to the non-judicial days of the **Juvenile Delinquents Act**. This was due to a variety of reasons including the newness of the act, the lack of approved policies and programs, and personnel not being ready to fully respond.

This began changing in 1985 with an even greater acceleration in cases expected to be handled through alternative measures during 1986.

In Manitoba, alternative measures are defined as: **"a course of action taken with a young person between 12 and 17 years of age who is believed to have committed an offence, instead of having him or her appear in youth court."**

Alternative measures offer young offenders "an opportunity to accept responsibility for their illegal acts. This is accomplished by redressing the wrongdoing, frequently with the participation of and for the benefit of the victim. This takes the place of formal court proceedings."

The following legal safeguards exist for alternative measures.

- Alternative measures will not be used if a youth wants to have a charge dealt with by the youth court, or denies involvement in the offence. The youth must accept responsibility for the offence even though this cannot be used later as evidence in any civil or criminal court proceeding.

- The youth must fully and freely consent to participate in alternative measures.

- The youth must be advised of his/her right to be represented by a lawyer.

- The youth must have reasonable opportunity to consult with a lawyer before agreeing to participate.

The decision to use alternative measures rests with the Crown. The Crown attorney decides if there is sufficient evidence in prosecuting an offence, and whether the young person is eligible, depending on the type and nature of the incident and the young person's offence record. Serious driving offences, incidents resulting in substantial loss or damage, and those involving violence or the threat of violence are generally excluded. Alternative measures may vary from community to community and be administered by justice committees, volunteers, private agencies, or other authorized groups or individuals.

In most cases, if a young person fulfills the terms and conditions of the alternative measure, a charge will not be laid. He/she will not need to go to court, and the incident will not become part of the court record. Records are destroyed after two years, unless the young person is charged with another offence.

Community and Youth Correctional Services has prepared interim guidelines for the alternative measures program. These include: screening for eligibility, legal sufficiency, pre-charge criteria, stay of proceedings, prior record, program development, case assignment, notification of young person and guardian, and least possible interference.

Increased use of alternative measures has been encouraging from a community perspective. It is a visible declaration that problems of crime and delinquency are community problems which cannot be solved by correctional professionals alone. What has resulted is a partnership involving corrections personnel, private citizens and community groups and organizations.

Community and Youth Correctional Services is committed to the principle of alternative measures and to their increased use. Staff believe a greater variety of alternative measures must be developed to better fit the variety of offences. This will allow for the court to be used only for very serious matters.

**Alternative Measures Completed for Youth
By Region 1983 to 1985 – Calendar Years**

	1983*	1984	1985
Dakota-Ojibway Service	0	0	34
Central	88	69	82
Eastman	164	52	206
Interlake	85	91	93
Norman	88	79	90
Parklands	72	82	92
Thompson	98	103	107
Westman	244	210	253
Winnipeg	1,044	1,730	1,532
Total	2,119	1,730	2,489

*These were known as "non-judicials" prior to implementation of the **Young Offenders Act**, April 2, 1984.

**Total Number of Young Persons for Whom
Alternative Measures Programs Were Used – Fiscal Years**

	April 84 to March 85	April 85 to March 86
April	175	288
May	152	219
June	139	201
July	97	203
August	131	205
September	181	169
October	176	223
November	138	219
December	114	218
January	191	361
February	199	272
March	154	320
Total	1,847	2,898

Guidelines for Alternative Measures

On February 12, 1985, Community Services Minister Muriel Smith authorized Community and Youth Correctional Services to administer an alternative measures program. The guidelines encompass:

- 1) Compensation by young persons to the victim, by cash, in kind or by way of personal service.
- 2) Mediation or conciliation between the young person and victim.
- 3) An interview or interviews with the young person and the parents/guardians to examine circumstances of an offence, action taken by the young person to make amends and action taken by the parents/guardians.
- 4) An oral or written reprimand.
- 5) A curfew.
- 6) Attendance at a crime-prevention class at which participants examine why people commit offences, the consequences for offenders and society, and ways to improve conduct.
- 7) Completion of a crime-prevention project such as an essay or poster.
- 8) Performance of a community service usually in the form of unpaid work for the benefit of the community.
- 9) Referral to a social, educational or health service, or
- 10) Any combination of the preceding measures.

Working Together Program

Working Together is a provincewide community mobilization program to promote effective implementation of community youth justice programs which adhere to the principles of the Young Offenders Act.

The program formally began in October, 1985 for a two-year period. It is sponsored jointly by the ministry of the Solicitor General of Canada and Manitoba Community Services.

Over the past eight months, staff have been involved in various community initiatives. These have led to the formation of more justice committees, as well as additional volunteer programs, alternative measures, supervision programs, public education activities and closer liaison between various groups offering services to youth.

Communities also have made numerous requests for more public education and for assistance in developing youth justice programs. Fifteen staff members have been assigned to facilitate the increased community thrust, with the assistance of probation officers.

The potential value of community justice committees continues to grow. At present, Manitoba has 22 active, formally approved committees, with nine others slated to begin soon. Several locations are planning to form youth justice committees: the communities of The Pas, Easterville, Norway House, Flin Flon, Nelson House, Ebb and Flow; the rural municipalities of Pembina and Lorne as well as North Winnipeg, Charleswood and St. James.

In the meantime, a Community Committee Working Group, made up of representatives from the various committees, has developed a Working Together Advisory Group. It is expected to serve as a clearing house to deal with committees' ideas and inquiries. The group has planned a provincial conference of justice committees for this fall. Mike Wasylin of the Beausejour and District Community Committee is chairperson of the group. Other members include Marcia Thomson, Manager, Working Together Program and Alex Bell, a former criminology student and Working Together volunteer who has been hired to assist the group for the summer.

Four additional students have been hired for the summer to assist in Winnipeg's four district offices. They will be involved specifically in helping youth with special needs to access community programs. Summer STEP students have been hired, two in East Unit to work on minimum supervision programs, one in The Pas to work on mediation programs and one in Thompson to work on crime prevention research for northern communities.

An important component of the Working Together program has been volunteer participation. Recent developments include recruitment of 90 additional volunteers. Volunteer job descriptions have been developed, with training programs and support activities being designed for them as well. A volunteer manual is now in production and will be distributed for use throughout the province.

Special programs:

- Central Youth Unit, along with Federal Employment and Immigration will operate a Work Orientation Workshop for 10 special needs youth.
- A work team consisting of Len DeFehr, Brent Apter, Joan Svenson and Frank Dabbs, assisted by Marcia Thomson and Jean Kopstein is developing a Victim/Offender Reconciliation Training Program to be offered to probation staff, volunteers and justice committees by this fall.
- The Legal/Human Rights Workshop for Youth, of the Youth Access Centre, a program jointly sponsored by the Community Legal Education Association and Working Together is aimed at involving youth in aspects of the law related to the Young Offenders Act. The program will be available to selected youth in Winnipeg over the next few months. As a result of this program, it is hoped a manual can be designed to teach legal education to youth.
- Two brochures also have been developed for alternative measures and community justice committees. Both are being distributed to assist in training and public education activities.
- A central information registry also is being developed.

Volunteers

"Since the proclamation of the Young Offenders Act and the launching of the Working Together program, volunteers are becoming increasingly valuable to the youth justice system," says Rosemary Broadbent, co-ordinator of Volunteers for Working Together. As evidence of this, over 300 volunteers are now working in all areas of the youth justice system.

People who volunteer represent a wide variety of interests and skills, says Broadbent. They include retired social workers, recovered alcoholics working to prevent youngsters from abusing alcohol, and university graduates seeking to apply their knowledge and training while gaining practical experience. Others have specific trades or industrial skills they are eager to share. Volunteers assist whatever way they can. All have the best interests of their community in mind.

Volunteers' duties include offering direction and support, supervising offenders on probation, becoming involved in victim-offender reconciliation, monitoring Community Work Orders, and participating in crime prevention and community information programs. Volunteers also are encouraged to offer their own suggestions.

Volunteers provide an important and valuable extension to corrections services. A recent development has been to train people to become volunteer co-ordinators to work out of each area office.

The volunteer co-ordinator works with area staff to maintain and expand volunteer programs within the community. Their duties and responsibilities include: interviewing and screening potential volunteer applicants, assessing initial training needs of each applicant, processing applications according to the standards of Community and Youth Correctional Services, matching each volunteer to an appropriate program, and participating in local volunteer program development.

Co-ordinators are asked to commit one full year and an average of five to six hours per week. Before being assigned, they receive a basic orientation on Community and Youth Corrections, plus a three and a half day Volunteer Management Workshop sponsored by the Volunteer Centre of Winnipeg.

The Working Together program, "will result in more community-based programs which, in turn, will require more volunteers," Broadbent observes. In the meantime, she commended volunteers for the job they are doing.

Community Committees

The following excerpts reflect some of the unique and diverse activities being undertaken by community committees provincewide.

As of July 1986, Manitoba had 22 community justice committees, some operating since 1975. A number more are expected to begin operating in the coming year.

Rhineland Youth Justice Committee

The Rhineland Youth Justice Committee began organizing in 1984 to provide the community with an alternative to the court system.

It was officially designated in April 1985. Based in Altona, it encompasses the entire Rhineland municipality with its 15 members representing all major communities in the area. It meets monthly and more often as needed.

The community response to the committee has been very positive with support from parents, schools, businesses, churches and government services. The committee continues to increase public awareness of its role and to increase citizen participation.

In the past year, the committee has successfully dealt with 14 referrals by the RCMP and local Probation unit. Dispositions included written or personal apologies, community service work and restitution for damages. No fines were levied.

Only one of the 13 male offenders repeated an offence with no female offenders being referred. Youth involved were between 14 and 18 years of age. The offences included theft, break and enter, vandalism and mischief.

Recently subcommittees have been formed to develop more formal education programs for local schools and enhance relations with the surrounding communities. Future plans call for expanding services to include drug abuse, alcoholism and vandalism programs.

Brandon Student Court Committee

Westman Region has four community justice committees in Killarney, Neepawa, Virden and Brandon. However, Brandon's committee is unique in that high school students are its sole participants. In fact, it is the province's only student committee.

In existence since 1979, the Brandon committee has always espoused YOA principles, particularly in expecting youth to take responsibility for their actions.

The grade 11 and 12 students who sit on the committee are chosen from three city high schools — Neelin, Crocus Plains and Vincent Massey. They serve on a rotating basis for a three-month period to meet with young offenders and, based on the interviews, make sentencing recommendations to Youth Court Judge Brian Giesbrecht. This year, 24 students were selected from each school to participate in the program. Two committees of 12 served for three months, each seeing about 10 to 12 offenders. Only offenders who plead guilty or are found guilty of committing such offences as shoplifting, assault, break and enter, mischief and impaired driving are referred. Judge Giesbrecht will also choose mid-range cases which do not involve serious family problems or questions of custody.

Dispositions have included apologies, community service work, probation, fines, curfews, essay writing, drawing pictures, conditional discharges and attending Alcoholics Anonymous.

Students on the committee are committed because of the high degree of interest, the career-related and volunteer experience they gain and for what they learn about the criminal justice system. Students get time off from classes to participate but do not get a school credit.

Usually accepting the recommendations made, Judge Giesbrecht has been very pleased with the committee's work. "They have made thoughtful, appropriate and creative recommendations. I would not have thought of some of their ideas." One innovative sentence ordered for an alcohol offender was to accompany the police and ambulance attendants to accidents caused by drunk drivers.

Brandon has proven to be the ideal location for the Student Court Committee. The justice system is small and contained. The committee, in dealing with a limited caseload is not seen as a cure-all to replace the court. Finally, the participants are dedicated to meeting a need in their community.

The people of Brandon are proud of their Student Court Committee. They hope word of their achievements spreads so that others will adapt the model or at least get youth involved on their justice committees.

Grand Rapids Youth Justice Committee

The Grand Rapids Youth Justice Committee was designated in the summer of 1985 and began operating in September. Since then, the committee has received six referrals from the police, the courts and probation officers.

The 10-member committee meets twice a month. Members include parents, business people and local government district and Grand Rapids Indian Band officials. Initially the business community, concerned about possible retaliation was reluctant to participate, but has since gotten involved.

Property offences have been the prime concern the committee has had to deal with. Five males and one female, 14 to 16 years of age, were involved. All agreed to alternative measures. Sentences included restitution, apologies to victims and community service work. Only one failed to comply, and no offenders have been reinvolvement.

The objectives of the committee are:

- offer sentencing alternatives to the court on a selective basis,
- reflect the community's concern for reforming offenders and providing victims with restitution,
- deal with first-time offenders or offenders who have not been reinvolved for a year and who are not on probation,
- consider cases referred by the court or probation officer,
- impress upon offenders the need for them to face up to their responsibilities and help them to lead constructive and responsible lives in the community,
- honor the rights and needs of victims by soliciting their concerns and views,
- become involved in victim/offender reconciliation when appropriate,
- become acquainted with causes and problems relating to criminal behavior,
- participate in crime prevention programs.

Committee members have been attempting to set up a drop-in centre. Youth in the area have access to limited recreational activities and the centre would help to occupy their time. Future plans call for development of a Victim/Offender Mediation program and Alateen services.

Interdepartmental Youth Tracking System

The enactment of the **Young Offenders Act** in 1984 has prompted many changes in youth justice, particularly in the area of record keeping. The YOA sets out detailed procedures for compiling and maintaining records of young persons. To conform to these new standards a committee was formed in December 1983 to discuss records maintenance in Manitoba. After almost a year a project team composed of staff from Community Services and the Attorney General Departments recommended development of an Interdepartmental Youth Tracking System. The scope of the project now goes beyond the original purpose of records maintenance to encompass a wide range of operations and information management needs.

The project team worked with consultants from Cognos Inc. between January and June 1986 to document the detailed specifications that would define how the system would operate. Powerful new "fourth generation

software" was used to accelerate this process. A prototype was presented to senior staff and operations people on May 20, 1986. A work plan to bring the system into effect will follow with initial production hopefully to begin this fall.

The proposed automated system will retain information on all young offender activities. Included in the tracking will be charges, the nature and source of charges, their outcome, all admissions and discharges to open and secure custody, alternative measures, and cases being assigned to probation officers.

In Winnipeg only, where 65% of all activity occurs, the system also will handle all hourly data for docket scheduling and production of legal documents such as notices, warrants and information. Four terminals will be located in the Youth Court Clerk's office, with a single terminal in the Manitoba Youth Centre and Community Corrections Records Centre. The police will not have a terminal, but will have 24-hour access to the system through the Manitoba Youth Centre. Charges outside Winnipeg will be mailed for entry into the system immediately upon receipt by the court with results being forwarded when the case is closed.

According to Ron Parkinson, co-ordinator of Information Systems for Community and Youth Correctional Services, "for the first time in history we will have a composite track record of youth in the justice system in Manitoba, with correctional and court data forming one single data base." Those requiring information will be able to access the system to find out whether a youth has a record or is currently active. The new system will centralize records and strengthen linkage between departments requiring access to information. Processing will be more efficient because of reduced time lags and less duplication.

The initial goal to create a provincial system to manage and destroy records will be achieved. The new system will permit analysis of decision-making patterns, programs and services and resource application at all levels. In addition to self-monitoring techniques, research capabilities will be vastly improved. Under the old system it was very difficult and expensive to conduct evaluations so that very few, in fact, were done.

Working in co-operation with the federal government, the project has received generous funding. But future costs will determine the extent and degree with which system development and production can proceed. Time lags also are expected before agencies become fully oriented to the new system. The Interdepartmental Youth Tracking System is viewed as one example of how Manitoba has adapted to the provisions of the **Young Offenders Act** and is improving its services.

Youth Tracking Project Time Lines

May 1984	Research of costs and determination of requirements for the new system completed
June 1984	Project began with an evaluation of the current system of record maintenance
June 1985	Initial model of system developed
December 1985	Contract for software determined
January 1986	Processing of prototyping begun
May 1986	Draft of final project report delivered and presented at workshop
Summer 1986	Production and costing plans completed
Late Fall 1986	Development and production of system begins
September 1987	Interdepartmental Youth Tracing System in place
1988 and 1989	Full conversion to system completed

Fine Option Program

The fine option program has operated in Manitoba since January, 1983. It enables persons fined to work off fines or elect to perform unpaid community work in order to satisfy this requirement.

In its first year of operation, 209 youth were enrolled in the fine option program. In 1984 the number increased to 358 and in 1985 to 545. For January 1 to June 30, 1986, the total number of youth enrolled was 272.

Increases have been due to the following:

- Youth are routinely advised of the fine option program.
- Fine maximums have increased from \$25 to \$1,000 as a result of YOA.
- With 126 Community Resource Centres and Work Centres operating in the province, there is reasonable access to the fine option program.

Fine option provides a positive alternative to incarceration, enabling young offenders to remain with their families and complete work requirements within their home communities.

The Impact of YOA on Custody

Pre-Trial Detention

The **Young Offenders Act** proclaimed in April 1984, marked a significant shift in philosophy away from the child welfare approach of the **Juvenile Delinquents Act** which preceded the YOA. As a result, juvenile correctional facilities have moved administratively away from the Child and Family Services Division to the Corrections Division to become an integral part of the youth justice system in Manitoba.

The impact of the YOA on Juvenile Institutions is illustrated in the following tables:

Average Number of Youth Per Day – Manitoba Youth Centre (Pre-Trial Detention)

Year	Boys	Girls	Total
1980	75.8	14.6	90.4
1981	78.0	11.9	89.9
1982	59.7	9.8	69.5
1983	65.5	14.9	80.4
1984	59.9	11.9	71.8
1985	71.9	10.3	82.2

Judicial Interim Release By Justice of Peace MYC Quarterly Basis

1984			
April 1-June 30	Male		272
	Female		57
July 1-September 30	Male		325
	Female		68
October 1-December 31	Male		300
	Female		75
1985			
January 1-March 31	Male		61
	Female		12
April 1-June 30	Male		92
	Female		11
July 1-September 30	Male		86
	Female		13
October 1-December 31	Male		132
	Female		18
1986			
January 1-March 31	Male		83
	Female		14

Intoxicated Persons Detention Act Pre-Trial Detention*/Quarterly Basis

1985		
January 1-March 31	Male	7
	Female	5
April 1-June 30	Male	16
	Female	10
July 1-September 30	Male	23
	Female	19
October 1-December 31	Male	15
	Female	9
1986		
January 1-March 31	Male	16
	Female	7

*Involves only those youth whose primary reason for admission was IPDA.

Transfers to Adult Facilities Pre-Trial Detention*/Quarterly Basis

1984		
April 1-June 30	Male	10
	Female	0
July 1-September 30	Male	6
	Female	1
October 1-December 31	Male	6
	Female	0
1985		
January 1-March 31	Male	10
	Female	0
April 1-June 30	Male	0
	Female	0
July 1-September 30	Male	1
	Female	1
October 1-December 31	Male	2
	Female	0
1986		
January 1-March 31	Male	0
	Female	0

*This is only transfer to Adult Facility – "Not" necessarily raised to ordinary court, ie. Held Headingley Jail.

**Agassiz, Doncaster and Willow Centres for Youth
(Secure and Open Custody Centres)
Admissions and Discharges – 1984 and 1985**

	YOA*				JDA*				CWA*			
	BOYS		GIRLS		BOYS		GIRLS		BOYS		GIRLS	
	84	85	84	85	84	85	84	85	84	85	84	85
Agassiz (Secure)												
Admissions	96	180	0	0	45	0	0	0	2	0	0	0
Discharges	23	169	0	0	128	0	0	0	9	0	0	0
Doncaster (Secure)												
Admissions	3	0	8	10	4	0	4	0	0	0	0	0
Discharges	3	0	4	5	11	0	15	0	0	0	2	0
Willow (Open)												
Admissions	53	154	7	13	0	0	0	0	0	0	0	0
Discharges	34	216	4	23	0	0	0	0	0	0	0	0

*YOA – Young Offenders Act – proclaimed April 1984.

*JDA – Juvenile Delinquents Act – rescinded April 1984.

*CWA – Child Welfare Act (Manitoba).

**Admissions by Age and Sex
1984 and 1985**

	14				15				16				17				18			
	Boys		Girls		Boys		Girls		Boys		Girls		Boys		Girls		Boys		Girls	
	84	85	84	85	84	85	84	85	84	85	84	85	84	85	84	85	84	85	84	85
Agassiz (Secure)	12	8	0	0	28	23	0	0	41	57	0	0	57	75	0	0	5	17	0	0
Doncaster (Secure)	0	0	2	1	1	0	3	4	3	0	2	4	3	0	5	1	0	0	0	0
Willow (Open)	11	22	3	1	16	20	1	2	20	42	4	6	26	50	1	3	2	20	0	1
TOTAL	23	30	5	2	45	43	4	6	64	99	6	10	86	125	6	4	7	37	0	1

Average Days Stay Per Discharge

	Boys		Girls	
	1984	1985	1984	1985
Agassiz (Secure)	200	222.2	0	0
Doncaster (Secure)	254.4	0	327	36.6
Willow (Open)	44	79.3	62	73.4

Open Custody

One of the greatest impacts of the YOA on youth justice has been an increased emphasis on open custody. In the past two years, more staff attention, resource allocation and training support have enabled open custody to grow, with the following open custody facilities now in operation:

- Willow Centre in Winnipeg
- Crescent Centre in Portage la Prairie
- Wayne Lloyd's Group Home in Brandon
- A home near Rapid City
- Two homes near Grandview
- A home near St. Norbert
- 13 active homes in Winnipeg.

In keeping with Correction's Role and Mission Statement, a target has been set to keep two-thirds of youth under detention in the community and one-third of them in institutional settings.

Attempts are also being made to stabilize the rate of committals both in distribution of committals geographically and in actual monthly intake rates. The number of committals per month, as of the middle of May 1986 has been 15.4.

The use of shorter sentences appears to have increased. The committal length currently is 6.8 months compared with 10 months in May 1985. Committals ranging from four to six months account for 42.6% of the total, and committals of one to three months for 24.1% of the total. These trends are thought to be partially a result of the judicial system adjusting to Manitoba's model of open custody.

Some serious issues face the open custody program. There is a lack of placement resources in the north which has resulted in the department having to move approximately 24 young offenders south for placement at any given time.

There is a lack of widespread temporary release programs to support and facilitate earlier releases from custody homes or institutions. Intensive supervision at home would be adequate for many youth now in open custody.

Youth are being committed to open custody who would/could be better served by a combination of Child and Family Services and probation supervision. In many northern and remote areas, a lack of such services as family support obliges some judges to opt for a custodial disposition. While the intent is good, it often results in oversentencing.

Open Custody Average Committal Length/Monthly

	1985	1986*
January	0	8
February	16	8.7
March	7.2	10
April	12.7	
May	12	
June	11.6	
July	8.8	
August	11	
September	16	
October	6.7	
November	6.3	
December	7.1	

*Figures show average committal length for those committed that month.

No figures are available for 1984.

Average Committal Length/Yearly

1985	- 9.6 months
1986*	- 8.9 months

Figures show average committal length for those committed that year.

No figures are available for 1984.

*Figures for 1986 are up to March 31.

**Open Custody Committals
1985 - 1986**

	APR.	MAY	JUNE	JULY	AUG.	SEPT.	OCT.	NOV.	DEC.	JAN.	FEB.	MAR.	APR.
OPENINGS													
Committals to O.C.	15	18	15	17	12	10	20	20	10	10	23	14	16
Transfer from Secure Custody	0	2	3	2	0	0	1	1	0	0	0	0	1
TOTALS	15	20	18	19	12	10	21	21	10	10	23	14	17
CLOSINGS													
Releases (O.C. to Probation) - Natural	6	5	2	11	3	3	7	8	2	9	8	5	7
Early Review - Appeals	0	0	0	0	0	0	0	0	1	1	0	0	0
Expiration	0	2	1	4	3	14	7	14	9	5	4	5	6
New Charges (Remand Custody)	2	0	2	0	0	0	0	0	0	0	0	0	0
New and More Severe Disposition	2	0	0	0	0	0	1	0	0	0	0	0	0
TOTALS	10	7	5	15	6	17	15	22	12	15	12	10	13
ACTIVE													
End of Month	98	111	124	128	134	127	133	132	130	125	136	140	144
Total Committed to Date	139	149	177	196	208	218	239	260	270	280	303	317	334
Total Terminated to Date	41	48	53	68	74	91	106	128	140	155	167	177	190

**Open Custody
Average Actual Daily Population at Willow Centre/Quarterly**

	1984*		1985		1986
		Male	Female	Male	Female
January 1-March 31	0	36.5	2.8	53.6	4.6
April 1-June 30	4.52	62.4	5.5	64.3	9.1
July 1-September 30	11.19	70	6.3	0	0
October 1-December 31	17.42	55.8	4.5	0	0

*Male/Female figures are combined for 1984.

Secure Custody

The **Young Offenders Act** has had a pronounced effect on Agassiz Centre where an increasing number of youth who are 18 and over are being sent.

This has created a need for some administrative adjustments to pay for health and education costs which are assigned to the institutional budget for residents 18 and over, while residents under 18 have their costs paid for by Social Allowances and the Department of Education. Meanwhile, the need for such things as medical consent, have been easier to attain with more residents being the age of majority.

The average number of days of stay per discharge has consistently been declining over the past three years. The number of days of stay have been as follows: 1981, 156.19; 1982, 234.6; 1983, 201.26; 1984, 200; 1985, 180. The decrease in length of stay is thought to be due to the Youth Court imposing shorter sentences. Discharges prior to completing a sentence do not appear to have contributed to this trend.

Secure Custody Agassiz Youth Centre Average Committal Length/Monthly

	1984	1985	1986
January	0	11.8	6.3
February	0	7.1	11.4
March	0	6	4.4
April	12.8	8.4	
May	10.2	7.4	
June	9.7	5.8	
July	10	6.7	
August	12	6	
September	12.4	7	
October	8.25	5.4	
November	6.8	7	
December	9.7	6.5	

*Figures show average committal length for those committed that month.

Secure Custody Agassiz Youth Centre Average Actual Daily Population/Quarterly

	1985	1986*
January 1-March 31	103.1	82.7
April 1-June 30	108.8	81.3
July 1-September 30	108.9	
October 1-December 31	100	

*Drop due mainly to opening of Crescent Centre.

Agassiz Youth Centre Average Committal Length/Yearly

1984*	10.2 months
1985	7.09 months
1986**	7.3 months

Figures show average committal length for those committed that year.

* Figures for 1984 are from April 1.

**Figures for 1986 are up to March 31.

Custody Review

A Custody Review Team has been set up to look at administrative procedures concerning custody. The team has examined 60 cases since it began in February 1986.

The team reviews cases where youth have received custodial dispositions to ensure a plan of action has been developed for them and that they are not idle.

Team members study cases four months after a young offender has been sentenced to open custody, eight months for youth sentenced to secure custody. They examine all documentation, interview the offender's probation officer, cottage counsellor and other relevant individuals.

Once the review is completed, the team will recommend keeping the offender where he/she is or releasing the offender from open custody with probation supervision. The team cannot recommend a change from open to secure custody.

Recommendations must be approved by a Youth Court judge who may choose to reject it or decide on his/her own recommendation.

The team works in full co-operation with the judicial system. Reviews are in accordance with the YOA. An evaluation of the review team's work is planned for this September.

A recent development has been to allow team members to appear in court on behalf of probation officers when recommendations are being heard. This is in accordance with Section 29 of the YOA.

The Impact of YOA on Support Services/Other

Winnipeg Police Department First Offender Program

The Winnipeg Police Department's Young Offenders Class was designated as an alternative measures program on March 21, 1985. Previously it functioned as a voluntary class for first offenders. Statistics show 359 youth were enrolled in the program between January and December, 1984. In 1985, the number dropped to 242. For the first four months of 1986, 85 youth were enrolled.

The decrease is thought to have resulted from an increase in the number of available alternative measures programs, and from an increase in appearance notices being handed to young offenders. Youth also are more aware of their rights and are more willing to test the system. Offenders must admit involvement to be eligible for the class.

Training

With the advent of the **Young Offenders Act**, staff training and development has taken on new directions. The impetus has come from interest generated from within the system for more and better training opportunities.

As a result of the YOA the branch has had to make new policy decisions which in turn are being reflected in new training programs. Examples are workshops in community mobilization, open custody and Working Together orientation.

The YOA also has necessitated that staff have new skills. Traditional skills remain valuable, but other skills also are needed; skills in community development, mediation, group dynamics and open custody support.

Enhancement of existing skills also continues. Staff who are treatment-oriented already understand such basic skills as counselling. However, the YOA, with its special needs clause has impacted on counselling requiring staff to have deeper involvement with youth who may have special needs. One example is youth who have been sexually abused. What has resulted are new training programs in areas such as sexual abuse, court report writing and intensive supervision.

Currently, the expanding volunteer sector also is in need of more comprehensive training, and plans are underway to provide it. Training also is used more and more as a management tool to bridge the gap between policy and programs. Its effect can be seen in the ever-expanding services and commitment of staff to the new thrusts in service delivery.

Sheriff's Escorts

The sheriff's office co-ordinates personnel to escort young offenders. Sheriff's officers take young offenders from the Manitoba Youth Centre (or other detention facilities) to court, and, depending on the outcome in court, back to the relevant detention facility.

Since the **Young Offenders Act** escort duties have greatly increased. This is evidenced in the following statistics for Winnipeg.

Year	Number of Escorts*
1984	552
1985	815
1986 (January-May)	375

*Total ground and air

Included in the figures are trips from the Manitoba Youth Centre to other Manitoba courts. Although a youth may be in custody in Winnipeg, the court appearance will be in his/her community of residence.

The 20 sheriff's officers, who are employed specifically to work with youth, do so on a casual basis. Before being hired, they receive 30 hours of training and are familiarized with the sheriff's escort program. They also work with regular sheriff's officers before being placed in the field. While escorting young offenders accounts for 60 to 70 per cent of their workload, they also provide courtroom security.

Children's Forensic Services

According to Dr. C. B. Manswell, senior consultant psychiatrist, Children's Forensic Services, the second year of the YOA has seen the number of referrals drop slightly.

The following statistics bear this out:

1984 to 1985	135
1985 to 1986	121

In 1985-86, referrals tended to involve cases of a more serious nature, with more personal assaults and sexual offences than in the previous year. Recommendations have not varied much and have been case specific. One major concern resulting from the YOA is that there are fewer treatment orders, if any. No court subpoenas were issued to staff of Children's Forensic Services in the second year of the YOA's operation.

Clerk of the Court's Office

Statistics provided by the office of the Clerk of the Youth Court, Family Division, Fort Osborne Complex, show the following youth caseload for April 1, 1984 - March 31, 1986.

Transfer to Adult Court														Appointment of														
														Open					Secure									
Cases		Charges		Notices Issued		Summons		Warrants		Subpoenas		Male		Female		Male		Female		Counsel		Reviews		Sec. 33				
84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86	84/85	85/86			
April	365	279	549	520	282	312	126	172	33	87	230	296	4	1	0	7	0	0	6	0	0	19	0	8	0	78		
May	362	354	550	619	346	410	167	198	31	106	297	407	7	3	0	4	0	0	16	0	0	40	0	4	0	35		
June	263	298	355	516	348	339	183	114	37	76	320	231	3	1	0	11	0	1	0	18	0	43	0	0	0	32		
July	344	360	675	577	436	311	175	108	39	81	487	261	1	0	0	11	0	1	0	7	0	46	0	0	0	19		
Aug.	301	385	538	580	315	298	135	125	34	56	382	631	4	1	0	5	0	0	8	0	0	29	0	0	0	67		
*End of August 1984, Summary Convictions Moved - To be Heard at 207 Donald Street.																												
Sept.	328	323	546	534	310	311	136	82	36	110	427	506	0	1	1	13	0	0	5	10	1	20	49	0	0	49		
Oct.	321	332	660	543	350	337	147	153	53	100	758	479	2	0	6	9	0	1	6	9	1	34	35	4	0	13	44	
Nov.	317	318	519	527	428	361	185	112	35	65	320	389	2	2	3	4	1	12	7	2	0	5	18	42	30	0	5	67
Dec.	222	210	383	440	236	213	80	76	44	37	364	257	2	2	5	8	0	0	7	8	1	20	39	30	0	7	59	
Jan.	270	283	459	553	303	260	208	122	64	64	498	464	0	1	7	7	0	0	2	10	1	24	39	26	0	20	54	
Feb.	220	237	423	395	193	196	79	128	45	61	534	241	3	1	12	13	0	0	1	5	0	19	45	20	0	12	44	
March	237	135	469	417	388	220	105	136	59	68	495	189	3	0	8	6	0	1	7	6	0	23	28	26	1	33	59	
TOTALS	3650	3654	6126	6221	3635	3566	1726	1526	520	911	5112	4351	31	13	42	98	1	16	35	105	4	11	158	454	138	13	90	607

Provincial Court (Family Division) of Winnipeg

Year End Totals

From January 1, 1985 to December 1985

Month	Probation Orders			Reports Ordered			Review of Custody Orders	
	Orders Issued	Disposition Issued	Bail Orders Issued	Forensic	Pre-Disposition	Progress	Section 28	Section 29
Jan.	41	107	0	0	0	0	0	0
Feb.	53	57	0	0	0	0	0	0
March	31	60	0	0	0	0	0	0
April	92	125	0	0	0	0	0	0
May	72	117	160	2	60	3	0	0
June	56	85	88	3	72	0	2	0
July	62	84	114	4	65	8	0	0
Aug.	45	53	133	6	78	0	0	0
Sept.	81	181	119	17	99	1	2	0
Oct.	46	61	120	2	62	4	0	0
Nov.	43	43	150	6	71	1	0	0
Dec.	47	45	80	1	65	1	0	0
TOTALS	669	1018	964	41	572	18	4	0
AVG.	56	85	120	5	72	2	0	0

Response to YOA

Probation Officers Respond

The **Young Offenders Act** has had tremendous impact on the work of probation officers. The new legislation has resulted in changes in report formats, reviews, supervision, Community Service Orders, alternative measures and other areas of responsibility.

The act's increased emphasis on community outreach, in particular means probation officers have a wider range of options for dealing with youth. The development of youth justice committees and special programs requiring probation officers to work closely with volunteers meanwhile has resulted in better linkage between corrections and the community.

Probation officers note they are pleased that the YOA has resulted in many youth, especially first offenders, being diverted from the courts into alternative measures. They are also pleased that youth appearing in court receive better legal representation, whereas in the past counsel was often inadequate or non-existent.

At the same time, the act has presented probation officers with some challenges for the future. While legal precedents are being established, they are having to adjust to changing procedures and standards. Probation officers also are having to make the transition from the child welfare/social work model, set out in the **Juvenile Delinquents Act**, to the more legalistic approach of the YOA.

According to Earl Norlander, Youth Court liaison, probation officers still have concerns about certain sections of the act, in particular, Section 33 which deals with breach of probation. Since the criteria for alternative measures have been relaxed to include more youth, probation officers are modifying their patterns of surveillance and supervision to handle the more high risk, serious offenders. They also are attempting to balance their schedules between their administrative and service functions to meet the changing needs created by the **Young Offenders Act**.

Alternative Measures: Youth (1985)

Steady increases in month and case count

583 in First Quarter
696 in Second Quarter
845 in Third Quarter
942 in Fourth Quarter

Opening in new cases varied

826 in First Quarter
689 in Second Quarter
801 in Third Quarter
1014 in Fourth Quarter

Total openings for year were 2330

Community Service Orders (1985)

Steady month end 182 cases

Minor decreases in opening of new cases

Total openings for year were 478

All figures above are averages

Judicial Interim Release Youth Under Supervision 1983 to 1985

	1983	1984	1985
Beginning of Year	0*	108	77
Opened During Year	273	400	261
Closed During Year	165	443	316
End of Year	108	77**	22

*This was a new category of supervision begun in July 1983.

**Revised from 1984 report.

**Reports Prepared for Court by Type
For Manitoba and Winnipeg
1983 to 1985**

	1983		1984		1985	
	MANITOBA	WINNIPEG	MANITOBA	WINNIPEG	MANITOBA	WINNIPEG
Youth Court						
Pre-Disposition Reports	1264	908	1012	715	1344 ¹	770 ¹
Pre-Disposition Reports (Comprehensive)	327	173	364	170	0	0
Supplementary Reports ²	370	201	289	196	161	73
Interim Release and Community Service Order Reports	104	46	190	165	72	55
TOTAL³	2065	1328	1855	1246	1577	898

¹Comprehensive reports are also reflected in these totals for calendar year 1985

²Includes Progress Reports.

³Excludes out-of-region assessments.

**Youth Under Supervision – Probation
For Manitoba and Winnipeg
1983 to 1985**

	1983		1984		1985	
	MANITOBA	WINNIPEG	MANITOBA	WINNIPEG	MANITOBA	WINNIPEG
Beginning of Year	1166	494	1230	602	1269*	651*
Opened During Year	1774	697	721	365	948	438
Closed During Year	1710	589	901	427	917	442
End of Year	1230	602	1050	540	1300	647

*Includes cases not yet classified which were not included in previous years statistics.

Area Directors Meet YOA Challenge

The **Young Offenders Act** has resulted in an increase in the complexity and variety of youth work, with area directors attempting to meet the challenges.

Most areas report excellent volunteer recruitment with larger offices having 25 to 30 volunteers and smaller offices, 10 to 15 volunteers. With more volunteers continually being recruited and trained, area directors hope to use them in more specialized roles. In particular, they are being used to ease the burden on regular staff by working at such duties as judicial interim release, screening, supervision, preparing crime prevention programs, public education, theft offender mediation, youth justice committees, victim/offender reconciliation and other special services.

Alternative measures is an expanding program. More youth are being referred to alternative measures since criteria were opened up to encompass a wider scope of offenders, and since the principle of least restrictive intervention was introduced. Changes in guidelines have also meant more high risk and repeat offenders are being dealt with by alternative measures.

The YOA has also necessitated a change in direction and intensity of staff training and development programs. Staff have participated in workshops dealing with such topics as open custody, the YOA, court report writing, sexual abuse, alternative measures, community mobilization, alcoholism and child and family services. In addition, staff have assisted in training of volunteers.

With an ever increasing need for consistency in services and co-operation across the system, area directors still face some hurdles. For example, no formal mechanism exists in the YOA, for the transfer of supervision or custody of youth between jurisdictions. Currently, Manitoba is negotiating an agreement with British Columbia. However, discussions have yet to begin with other provinces. And while the open custody program has provided another avenue for handling young offenders, there are not enough facilities in many regions of the province.

Numerous challenges lie ahead in order to successfully make the transition from the **Juvenile Delinquents Act** to the YOA, including developing more open custody homes. Area directors also hope that alternative measures processing will be tightened up to allow youth to be diverted earlier and spend less time in the system.

Staff continue to adjust to the new administrative tasks arising out of the YOA, at the same time making sure that services are not compromised and resources are optimally allocated.

Young Offenders Implementation Review Committee

This interdepartmental committee brings together senior officials from a wide spectrum including Manitoba Community Services; Community and Youth Correctional Services and Child and Family Support Branches; Manitoba Attorney-General: senior youth crown attorney, clerk of Youth Court, chief clerk of Provincial Court, Research and Planning; the judiciary: Provincial Court, Youth and Family Division, Legal Aid; city and Royal Canadian Mounted Police Forces; department of Health: Children's Forensic Services branch; and non-governmental organizations such as the John Howard Society and the Alcoholism Foundation of Manitoba.

At its first meeting in October 1984, the following objectives were agreed upon by committee members:

- to share information among all those involved in the implementation of the YOA
- to be a joint problem-sharing group.

The group continued to meet weekly until January 1985 when bi-weekly meetings began. It now meets once a month, with special meetings called as needed.

The committee also deals with problems related to the YOA's implementation. One example was deciding on procedures for youth "unlawfully at large from a custodial facility".

In recent months, the committee has:

- worked on a draft Provincial Offences (Youth) Bill
- advised on short-term amendments being considered by the Federal-Provincial Working Group on Treatment Order Issues
- commented on other proposed amendments to the YOA
- received an update on the Youth Tracking Project by the project's co-manager
- begun to study the "Latimer Report" on Winnipeg Youth Courts and the YOA.

Jim Bakken, associate director of Community and Youth Correctional Services chairs the group.